

State of Tennessee



W. J. MICHAEL CODY
ATTORNEY GENERAL & REPORTER

JOHN KNOX WALKUP
CHIEF DEPUTY ATTORNEY GENERAL

WILLIAM H. FARMER
ADVOCATE GENERAL

JIMMY G. CREECY
ASSOCIATE CHIEF DEPUTY

ROBERT A. GRUNOW
ASSOCIATE CHIEF DEPUTY

OFFICE OF THE ATTORNEY GENERAL

450 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37219-5025

August 8, 1985

U85-039

DEPUTY ATTORNEYS GENERAL

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JENNIFER H. SMALL

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JOHN F. SOUTHWORTH, JR.

Hon. Jim Rout, Chairman
Board of Commissioners of Shelby County
Suite 619, 160 Mid-America Mall
Memphis, Tennessee 38103

Dear Mr. Rout:

This letter responds to your request for an opinion concerning the following topic:

QUESTION

Must contracts awarded by the Shelby County Emergency Communications District in excess of \$50,000.00 be approved by the Shelby County Commission?

ANSWER

No. However, receipt of supplemental county funds pursuant to T.C.A. §7-86-109 might, in certain circumstances, be made contingent on permitting the county commission to perform a contract approval function.

ANALYSIS

The Shelby County Emergency Communications District is established pursuant to T.C.A. §§7-86-101 et seq. The statute provides that the powers of such a district are vested in its board of directors. T.C.A. §7-86-106.

The resolution of the Shelby County Commission which, pursuant to T.C.A. §7-86-104, establishes the Emergency Communications District within the county's boundaries provides, in paragraph 11, that:

The Emergency Communications

Mr. Jim Rout
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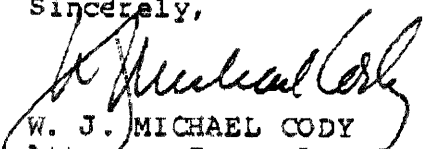
District Board shall exercise all authority granted to it by Chapter 867 of the Public Acts of 1984, [T.C.A. §7-86-101 et seq.], but in all circumstances in which authority is unclear or not addressed by the Act, the provisions of Chapter 260 of the Private Acts of 1974 (Shelby County Restructure Act) and the subsequent Shelby County Charter effective September 1, 1986, shall prevail including all purchasing procedures.

The Shelby County Restructure Act provided for the County Commission to approve contracts in excess of \$50,000.00. Private Acts 1974, Chapter 260, §4.03. It is our understanding based on information in your letter, that the new Shelby County charter, which becomes effective September 1, 1986, contains a similar provision.

We do not believe the provisions of T.C.A. §7-86-106 are ambiguous. The statute clearly vests "[t]he powers of each district" in its Board of Directors. Therefore, no authority exists, even under the county resolution, for the contract approval requirement.

However, T.C.A. §7-86-109 permits a county to appropriate additional funds to assist in the establishment, operation and maintenance of a district. Receipt of such additional funding might, in certain circumstances, be made contingent on permitting the county commission to exercise a contract approval function.

Sincerely,


W. J. MICHAEL CODY
Attorney General and Reporter


JOHN KNOX WALKUP
Chief Deputy Attorney General


STEPHEN NUNN
Assistant Attorney General